

**RULES AND REGULATIONS PERTAINING TO THE FEE STRUCTURE
FOR LABORATORY SERVICES PROVIDED BY THE
DEPARTMENT OF HEALTH LABORATORY**

(R23-1-3-FFS)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

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Rhode Island General Laws, as amended)

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INTRODUCTION

These Rules and Regulations Pertaining to the Fee Structure for Laboratory Services Provided by the Department of Health Laboratory are promulgated pursuant to the authority conferred under section 23-1-3 of the General Laws of Rhode Island, as amended, and are established for the purpose of establishing fees for laboratory services provided by the Rhode Island Department of Health Laboratory.

Pursuant to the provisions of Chapter 42-35-3(c) of the General Laws, consideration was given to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact upon small businesses, as defined in Chapter 42-35 of the General Laws, which may result from the proposed regulations. No alternative approach, duplication or overlap was identified. The protection of the health and safety of the public precludes the economic impact which may be incurred by these regulations.

These Rules and Regulations Pertaining to the Fee Structure for Laboratory Services Provided by the Department of Health Laboratory shall supersede all previous rules and regulations pertaining to this program, promulgated by the Rhode Island Department of Health and filed with the Secretary of State.

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Section 1.0 *Definitions*

Whenever used in these rules and regulations, the following terms shall be construed as follows:

- 1.1 "**Act**" means Section 23-1-3 of the General Laws of Rhode Island, as amended, entitled "Maintenance of Laboratories."
- 1.2 "**Department**" means the Rhode Island Department of Health.
- 1.3 "**Director**" means the Director of the Rhode Island Department of Health or his/her duly authorized agent.
- 1.4 "**These regulations**" means all sections of the *Rules and Regulations Pertaining to the Fee Structure for Laboratory Services Provided by the Department of Health Laboratory (R23-1-3-FFS)*.

Section 2.0 *Applicability and Scope*

- 2.1 These regulations provide for the establishment of fees for laboratory services provided by the Department laboratory and designate certain clinical tests as a covered benefit, pursuant to authority conferred by the Act.
- 2.2 The provisions of these rules and regulations are in addition to, and not in substitution for, other rules and regulations promulgated by the Director pursuant to authority conferred by sections 23-1-5.1, 23-13-14, 23-13-15, 23-24.6-10, 41-3.1-10 and 46-13-17 of the General Laws of Rhode Island, as amended.
- 2.3 Nothing in these regulations shall be construed as requiring the use of the Department laboratory where other laboratories, licensed by the Director pursuant to authority conferred by Section 23-16-2 of the General Laws of Rhode Island, as amended, are available to perform the requested laboratory services.

Section 3.0 *General Requirements*

- 3.1 Pursuant to authority conferred by the Act, the Director may charge for all services provided by the Department laboratory. The Director shall prepare a fee schedule listing the laboratory services and fees. The fee schedule for such services shall be that contained in Appendix "A" of these regulations, unless otherwise agreed to by the Department.
- 3.2 Laboratory services provided by the Department laboratory and set forth in the fee schedule shall be subject to the fees provided therein, as established in accordance with the provisions of section 4.0 of these regulations.

Section 4.0 *Criteria for Determination of Fees*

- 4.1 The fee for any laboratory service provided by the Department laboratory shall be reasonable and shall be determined on the basis of current costs for providing said service. The fee may

include administrative, personnel, equipment, overhead, supplies and such other related costs necessary to develop and provide said service.

- 4.2 The Director may designate new or additional laboratory services, and associated fees, at any time.

Section 5.0 *Designation of Certain Clinical Tests as a Covered Benefit*

- 5.1 Pursuant to the authority conferred by the Act, the clinical tests listed in Appendix A of these regulations have been designated by the Director as a covered benefit. As such, all clinical tests designated by the Director as a covered benefit shall be reimbursable by all health insurers, as defined in section 27-38-6 of the General Laws of Rhode Island, as amended, providing health insurance coverage in Rhode Island except for supplemental policies which only provide coverage for specific diseases, hospital indemnity Medicare supplements, or other supplemental policies. The charges for such testing shall be borne by the hospitals or other licensed health-care providers and facilities in the absence of a third-party payor.

Section 6.0 *Payment of Fees*

- 6.1 Payment for all laboratory services performed by the Department laboratory shall be submitted to the Department within thirty (30) days of receipt of the invoice or other period of time agreed to by the Department. Payment shall be in the form of a check or money order made payable to the Rhode Island Department of Health.
- 6.2 All fees collected pursuant to these regulations shall be deposited as general revenues.

Section 7.0 *Transfers from the General Fund*

- 7.1 A portion of the funds currently placed in the General Fund that are derived from licensure or registration fees charged under Chapters 21-2 (Milk Sanitation Code), 21-9 (Frozen Dairy Products), 21-11 (Meats), 21-23 (Non-alcoholic Bottled Beverages, Drinks and Juices), 21-27 (Sanitation in Food Establishments), 23-20.8 (Licensing of Massage Parlors), 23-21 (Licensing of Recreational Facilities), 23-22 (Licensing of Swimming Pools), and 46-13 (Public Drinking Water Supply) of the General Laws of Rhode Island, as amended, shall be placed in the restricted receipt account designated in section 6.2 of these regulations to cover the costs to provide laboratory services to those programs. The cost of these laboratory services shall be established by the Director pursuant to procedures described in section 4.1 of these regulations.
- 7.2 All funds received under Chapter 23-16-2 (Laboratories) of the General Laws of Rhode Island, as amended, shall be deposited as general revenues.

Section 8.0 *Fee for Rabies Testing*

- 8.1 Pursuant to authority conferred by the Act, a fee of \$125.00 shall be charged for each unnecessary rabies test performed at the Department laboratory. An unnecessary rabies test is one that does not meet criteria established by the Department's Division of Disease Control and Prevention. The Division will determine the validity of each specimen prior to testing at the

Department laboratory. If a rabies test is determined to be unnecessary, the owner or person submitting the animal being tested shall be responsible for payment should they still want the test performed. Payment shall be received prior to testing.

Section 9.0 *Fees For Lead Poisoning Screening*

- 9.1 The fee for any lead poisoning screening or lead screening-related services provided by the Department Laboratory shall be determined on the basis of rates paid by health care insurers to private laboratories for blood lead analysis.
- 9.2 The Department may, by regulation, designate new or additional lead poisoning screening or lead screening related services, and associated fees, at any time.
- 9.3 The Department has established the following fee schedule for lead poisoning screening and lead screening-related services provided by the Department:

<i>Clinical Test/Service</i>	<i>CPT-4 Code</i>	<i>Fee</i>
Quantitative Blood Lead (PbB)	83655	\$25.00

- 9.4 Payment for all screening for lead poisoning and lead screening-related services performed by the Department shall be submitted to the Department by check or money order made payable to the General Treasurer, State of Rhode Island, within thirty (30) days of receipt of the invoice.

Section 10.0 *Interpretation and Severability*

- 10.1 The provisions of these regulations shall be liberally construed and shall be held to be in addition to, and not in substitution for, or a limitation of, the provisions of any other regulation or law. If any provision or part thereof of these regulations, or application thereof, to any person or circumstance is held unconstitutional or otherwise invalid, the remainder of these regulations and the application of such provisions to any other persons or circumstances other than those to which it is held invalid shall not be affected thereby.

APPENDIX A

CLINICAL TESTS DESIGNATED AS A COVERED BENEFIT

<i>Clinical Test/Procedure</i>	<i>CPT-4 Code</i>	<i>Fee</i>
Syphilis Serology		
Screen, Qualitative	86592	\$ 8.00
Screen, Quantitative	86593	\$ 15.00
FTA-ABS	86650	\$ 15.00
Lyme Disease	86618	\$ 35.00
Chlamydia	86317	\$ 23.00
Parasitology	87177	\$ 13.00
Throat Culture	87060	\$ 12.00
Agglutination Test	87147	\$ 15.00
Stool Culture	87045	\$ 15.00
Agglutination Test	87147	\$ 15.00
Mycobacteriology		
Smear	87206	\$ 7.50
Concentration & Isolation	87117	\$ 30.00
Definitive ID	87118	\$ 15.00
DNA Probe	87178	\$ 25.00
Sensitivity/Susceptibility (each antibiotic)	87190	\$ 5.00
Gonorrhea		
Culture	87070	\$ 12.00
Serology	87151	\$ 15.00
Gram Stain	87205	\$ 8.00
Rubella	86762	\$ 15.00
HIV		\$ 15.00
Quantitative Blood Lead (PbB)	83655	\$ 25.00

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